

**REAL ESTATE BOARD
MINUTES OF MEETING**

March 20, 2008

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

R. Schaefer Oglesby
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Carol Clarke, Chair
Florence Daniels
Scott Gaeser

The following Board members were not present: Byrl Taylor
Miles Leon

DPOR staff present for all or part of the meeting included:

Jay DeBoer, Director
Saba Shami, Chief Deputy
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, &
Resolution
Liz Hayes, Fair Housing Administrator
Tom Perry, Property Registration Administrator
Yvette Barnes, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Tom Payne and Steven Jack from the Office of the Attorney General were present.

Chair Clarke called the meeting to order at 9:01 A.M.

Call to Order

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and

Agenda

Oglesby.

There was no public comment.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to adopt the following minutes: January 10, 2008, Informal Fact-Finding Conference; January 23, 2008, Informal Fact-Finding Conference; January 24, 2008 Informal Fact-Finding Conference; January 24, 2008, Real Estate Board meeting; January 31, 2008 Informal Fact-Finding Conference, and February 4, 2008 Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

A motion was made by Ms. Clark and seconded by Ms. Daniels to adopt the February 12, 2008 Fair Housing/Real Estate Regulatory Review Committee meeting minutes. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Rosalyn Jackson-Rush and Alphonso Rush v. Christopher A. Georges and Company and Christopher A. Georges**, REB File Number 2007-02016, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Bryan Grimes Creasy, Attorney for the respondents was present and addressed the Board. A motion was made by Ms. Clark and seconded by Mr. Brown to find reasonable cause against the respondents for discrimination by refusing to rent based on familial status and to defer issuing the charge for thirty days in order to pursue conciliation.

In the matter of **Bettie J. High v. Bettie Hairston, Hercules Real Estate Services and Todd Copeland**, REB File Number 2007-00009, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Bryan Grimes Creasy, Attorney for the respondents was present and addressed the Board.

At 9:21 A.M., Ms. Clark offered a motion which was seconded by Mr.

Public Comment

Minutes

Fair Housing Administrators Report

Rosalyn Jackson-Rush and Alphonso Rush v. Christopher A. Georges and Company and Christopher A. Georges, REB File Number 2007- 02016

Bettie J. High v. Bettie Hairston, Hercules Real Estate Services and Todd Copeland, REB File Number 2007-00009

Closed Session

Gaesser, that the Board be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Steven Jack, Tom Payne, Liz Hayes, and Trudy Miller.

This motion is made with respect to the matter(s) identified as agenda item(s):

Fair Housing Case 4 REB File Number 2007-00009, Bettie J. High v. Bettie Hairston, Hercules Real Estate Services and Todd Copeland

At 9:35 A.M., a motion was made by Ms. Clark and seconded by Mr. Gaesser that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 7-0

AYES: Brown, Gaesser, Clark, Oglesby, Clarke, Daniels, and Childress.

NAYS: None

ABSENT FROM THE VOTE: None

ABSENT DURING THE MEETING: Leon and Taylor

In the matter of **Bettie J. High v. Bettie Hairston, Hercules Real Estate Services and Todd Copeland, REB File Number 2007-00009**, a motion was made by Ms. Clark and seconded by Mr. Gaeser to find no reasonable cause for discrimination in terms and conditions based on disability. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

A motion was made by Mr. Brown and seconded by Ms. Daniels to find reasonable cause for refusal to make reasonable accommodations for disability and to defer issuing the charge for thirty days in order to pursue conciliation. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke and Daniels. Members voting "No" were Gaeser and Oglesby.

In the matter of **Nancy McGuire v. Lisa Keller, Drucker & Falk, Inc., and Wendy C. Drucker, REB File Number 2008-01428**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

In the matter of **Leslie Dawkins and Juana Llorens v. David G. Sweet and Virginia Homes, Inc., REB File Number 2008-02088**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

A motion was made by Ms. Clark and seconded by Mr. Gaeser to approve the Fair Housing Sub-Committee minutes of January 24, 2008. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

In the matter of **File Number 2008-02391, Glenn Stakem**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Stakem, the applicant, and Mr. James Stakem, witness, were present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the

Bettie J. High v. Bettie Hairston, Hercules Real Estate Services and Todd Copeland, REB File Number 2007-00009

Nancy McGuire v. Lisa Keller, Drucker & Falk, Inc., and Wendy C. Drucker, REB File Number 2008-01428

Leslie Dawkins and Juana Llorens v. David G. Sweet and Virginia Homes, Inc., REB File Number 2008-02088

Fair Housing Minutes

File Number 2008-02391, Glenn Stakem

recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Stakem's application for a real estate salesperson's license subject to a two year agreement for licensure and the following conditions: 1) Stakem will be placed on probation for a period of two (2) years; 2) Stakem and his principal broker report quarterly to the Board that Stakem has not violated any state, federal, local law or regulations of the Board, and that he complies with all terms of his parole; 3) Upon successful completion of his parole, Stakem shall submit a letter from his parole officer stating that he has been released; and 4) Stakem immediately report any arrests and any positive drug screens to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

In the matter of File Number 2007-04749, Lynda B. Chafin, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Chafin was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation to find a violation of 18 VAC 135-20-290 2 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

File Number 2007-04749, Lynda B. Chafin

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation to find no violation of 18 VAC 135-20-290 3 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation of no sanction for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

As the Presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter

In the matter of File Number 2007-00657, Tracey E. Nester, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding

File Number 2007-00657, Tracey E. Nester

Board member. Donna Turner, the complainant was present and addressed the Board. A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-220 B 1 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-180 B 1 b (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-270 3 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-310 1 (Count 4) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260 10 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$350.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 2. The motion passed unanimously.

Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$750.00 for the violation contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$300.00 for the violation contained in Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

A motion was made by Ms. Clark and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to instead impose a monetary penalty of \$500.00 and license revocation for the violation contained in Count 5 based upon the facts of the case and the egregious nature and the severity of the violations. The Board is of the opinion that Nester's actions show negligence by concealment of her actions from her broker and that she violated the public trust by failing to secure, in a timely manner, the public money. Therefore, pursuant to the Board's statutory requirement to protect the health, safety and welfare of the public, the Board agreed it would be negligent to allow Nester to retain her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

As the Presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

The Board recessed from 10:21AM to 10:31AM

In the matter of File Number 2008-00151, Curtis Seltzer, the Board issuance of a Cease and Desist Order. Curtis Seltzer, respondent, and Willcox Dunn, Attorney for the respondent, were present and addressed the Board.

At 10:52 A.M., Ms. Childress offered a motion which was seconded by Ms. Daniels, that the Board be recessed and that the Real Estate Board

Break

File Number 2008-00151,
Curtis Seltzer

Closed Session

immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Steven Jack, Jay DeBoer, Mark Courtney and Christine Martine.

This motion is made with respect to the matter(s) identified as agenda item(s):

22. REB File Number 2008-00151 Curtis Seltzer

At 11:30 A.M., a motion was made by Ms. Childress and seconded by Ms. Clark that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 5-0

AYES: Brown, Childress, Clark, Clarke and Daniels.

NAYS: None

ABSENT FROM THE VOTE: Oglesby and Gaeser

ABSENT DURING THE MEETING: Leon and Taylor

In the matter of File Number 2008-00151, Curtis Seltzer, a motion was made by Ms. Daniels and seconded by Ms. Clark to defer action

File Number 2008-00151,
Curtis Seltzer

on the file until the May 8, 2008 Board meeting pending discussions with Mr. Seltzer and his attorney. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke and Daniels.

As the presiding Board member, Mr. Gaeser did not participate in the discussions or votes pertaining to this matter.

Due to possible conflict of interest, Mr. Oglesby did not participate in the discussions or votes pertaining to this matter.

In the matter of File Number 2007-03504, Emma J. Jarrett, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2139 A (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

File Number 2007-03504, Emma J. Jarrett

A motion was made by Ms. Childress and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$750.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

As the Presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

Ms. Clark turned the position of Chair over to Mr. Oglesby and recused herself from the meeting.

Transfer of Chair

In the matter of File Number 2007-03372, Melinda E. Poirier, the Board reviewed the Consent Order as seen and agreed to by Ms. Procise. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Poirier admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-270.3 (Count 3) of the Board's 2003 Regulations, find a

File Number 2007-03372, Melinda E. Poirier

violation of 18 VAC 135-20-310.1 (Count 4) of the Board's 1999 Regulation, find a violation of 18 VAC 135-20-260.10 (Count 5) of the Board's 2003 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$750.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4 and \$1,500.00 for the violation contained in Count 5, as well as \$150.00 in Board costs for a total of \$4,400.00. In addition, for violation of Count 2 and 5, Poirier agrees to a one year suspension of her license. Also, Poirier agrees to complete sixteen (16) hours of continuing education pertaining to agency and escrow and/or other equivalent courses approved by the Board, if Poirier activates her license and becomes affiliated with a firm following the period of her license suspension. Poirier agrees to provide proof of attendance and successful completion of these courses by the Board, within (3) months of the activation of her license and placement of her license with a firm. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirement, if applicable, for renewal of license. Additionally, Poirier's broker shall report to the Board, on a quarterly basis for a period of one year that Poirier is complying with the Board's regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, and Oglesby.

As the Board member who reviewed the file, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

In the matter of File Number 2008-00241, Glenn Glakas, the Board reviewed the Consent Order as seen and agreed to by Mr. Glakas. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Glakas admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, and Oglesby.

File Number 2008-00241, Glenn Glakas

As the Board member who reviewed the file, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

In the matter of File Number 2006-03974, Zabillo S. Mansouri, the Board reviewed the Consent Order as seen and agreed to by Mr. Mansouri. A motion was made by Ms. Clark and seconded by Ms.

File Number 2006-03974, Zabillo S. Mansouri

Daniels to accept the proposed Consent Order wherein Mr. Mansouri admits to a violation of 18 VAC 135-20-210.B (Count 1) of the Board's 1999 Regulations, find a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, and agrees to \$150.00 in Board costs for a total of \$1,650.00. In addition, for violation of Count 1, Mansouri agrees to complete four (4) hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board; for violation of Count 2, Mansouri agrees to complete four (4) hours of continuing education pertaining to Ethics and/or other equivalent course approved by the Board; and Mansouri agrees to provide proof of attendance and successful completion of these courses within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirement, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, and Oglesby.

As the Board member who reviewed the file, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke returned and assumed the position of Chair.

In the matter of File Number 2007-03320, Gary C. Martell, the Board reviewed the Consent Order as seen and agreed to by Mr. Martell. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Martell admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations and agrees to no monetary penalty in Count 1. In addition, for violation of Count 1, Martell agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

In the matter of File Number 2007-02958, Brian K. Sasser, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260 11 (Count 1) of the Board's 2003 Regulations. The motion

Transfer of Chair

File Number 2007-03320, Gary C. Martell

File Number 2007-02958, Brian K. Sasser

passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-280 2 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-270 3 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, and \$1,000.00 for the violation contained in Count 3 for a total of \$5,000.00. Additionally, for the violation of Count 1 and Count 2, the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

In the matter of **File Number 2007-02900, Susan Laurence**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260 10 (Count 1) of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-310 2 (Count 2) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

File Number 2007-02900, Susan Laurence

A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,000.00 for the violation contained in Count 1 and \$600.00 for the violation contained in

Count 2, for a total of \$2,600.00. Additionally, Laurence's license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed (4) hours of continuing education pertaining to contracts within 180 days of the effective date of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels Gaeser and Oglesby.

In the matter of File Number 2007-01271, Annalisa Williams, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260 10 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260 11 (Count 2) of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-310 2 of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels Gaeser and Oglesby.

File Number 2007-01271, Annalisa Williams

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, for a total of \$7,500.00. Additionally, for the violations of Count 1-3, the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels Gaeser and Oglesby.

In the matter of File Number 2007-03282, Garrett T. Baker, the Board reviewed the Consent Order as seen and agreed to by Mr. Baker. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the proposed Consent Order wherein Mr. Baker admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$400.00. In addition, for violation of Count 1, Baker agrees to complete four (4) hours on continuing education pertaining to terms and conditions of purchase agreements and/or equivalent course approved

File Number 2007-03282, Garrett T. Baker

by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels Gaeser and Oglesby.

In the matter of **File Number 2007-03303, John H. Martin**, the Board reviewed the Consent Order as seen and agreed to by Mr. Martin. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Martin admits to a violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$700.00. In addition, John H. Martin agrees to complete eight (8) hours of continuing education pertaining to property management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels Gaeser and Oglesby.

File Number 2007-03303, John H. Martin

In the matter of **File Number 2007-03316, Faisal A. Malik**, the Board reviewed the Consent Order as seen and agreed to by Mr. Malik. A motion was made by Ms. Childress and seconded by Ms. Daniels to reject the proposed Consent Order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels Gaeser and Oglesby.

File Number 2007-03316, Faisal A. Malik

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to re-offer a Consent Order wherein Mr. Malik admits to a violation of 18 VAC 135-20-180.B.1a (Count 1) of the Board's 2003 Regulations, violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulation, violation of 18 VAC 135-20-180.B.1a (Count 3) of the Board's 2003 Regulation, violation of 18 VAC 135-20-310.2 (Count 4) of the Board's 1999 Regulation, and violation of §54.1-2132.A.4 of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 for each violation contained in Counts 1-5, as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, for violation of Counts 1 and 3,

Malik agrees to complete eight (8) hours of continuing education pertaining to escrow account management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Mr. Malik also agrees to enter an Agreement for Licensure for a one year period wherein he and his broker will report quarterly to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels Gaeser and Oglesby.

In the matter of File Number 2007-03774, Rodney K. Chenault, the Board reviewed the Consent Order as seen and agreed to by Mr. Chenault. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Chenault admits to a violation of 18 VAC 135-20-180.B.1a (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Chenault agrees to complete eight (8) hours of continuing education pertaining to escrow management and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count toward any continuing education requirement, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

File Number 2007-03774, Rodney K. Chenault

In the matter of File Number 2008-01265, Janice Manning, the Board reviewed the Consent Order as seen and agreed to by Ms. Manning. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the proposed Consent Order wherein Ms. Manning admits to a violation of 18 VAC 135-20-210.B (Count 1) of the Board's 1999 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, but to pay \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Manning agrees to the voluntary surrender of her license. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

File Number 2008-01265, Janice Manning

In the matter of File Number 2007-01168, Sam R. Stanford, the Board reviewed the record which consisted of the investigative file,

File Number 2007-01168, Sam R. Stanford

transcript, and exhibits from the Informal Fact-Finding Conference and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260 10 (Count 1) of the Board's 2003 Regulations (2 violations). The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke and Oglesby.

A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation of revocation of license for the violations of the regulation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke and Oglesby.

As the Presiding Board member, Mr. Gaeser did not participate in the discussion or votes pertaining to this matter. As the Board member who reviewed the file, Ms. Daniels did not participate in the discussion or votes pertaining to this matter.

Ms. Martine and Mr. DeBoer updated the Board on legislation introduced during the 2008 Legislative session. No action was taken by the Board.

Legislation Update

The Board recessed from 12.25AM to 12:50AM

Break

Ms. Childress gave the Education Committee Report. A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the March 19, 2008, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

Education Committee Report

A motion was made by Ms. Childress and seconded by Mr. Gaeser to approve the guidance document regarding the use of Board approved pre-license instructors. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

New Business

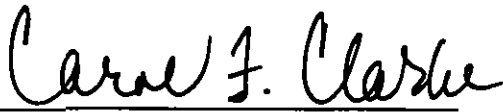
A motion was made by Ms. Childress and seconded by Mr. Gaeser to use the seven categories of education in the statute governing real estate licensing education when requiring continuing education in orders by the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

Ms. Martine gave an update on the Real Estate Regulations.

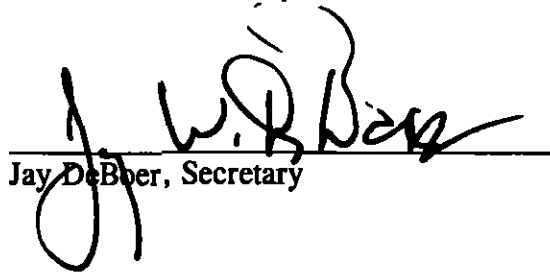
Tom Perry updated the Board on the Common Interest Community Management Fund RFP's. A motion was made to adopt the recommendation to delay the award and associated spending on the proposals until the specific program requirements are firmed up. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Oglesby.

There being no further business, the Board adjourned at 1:25 P.M.

Adjourn



Carol F. Clarke, Chair



Jay DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Scott Gaeser
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 20, 2008
(Date)

5. I have a personal interest in the following transaction.

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☐ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☐ I did not participate in the transaction.

6. ☒ I do not have a personal interest in any transactions taken at this meeting.



Signature

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name. Schaefer Oglesby
(Name of Board Member)
2. Title. Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date. March 20, 2008
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☒ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☐ I did not participate in the transaction.

6. ☒ I do not have a personal interest in any transactions taken at this meeting.


Signature

March 22, 2008
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Florence Daniels
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 20, 2008
(Date)

5. I have a personal interest in the following transaction.

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☒ I am able to participate in this transaction fairly, objectively, and in the public interest

or

☐ I did not participate in the transaction.

6. ☒ I do not have a personal interest in any transactions taken at this meeting.

Florence Daniels
Signature

3/20/08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1 Name: Judith Childress
(Name of Board Member)
- 2 Title: Board Member
- 3 Agency: Real Estate Board
(Name of Board)
- 4 Meeting/IFF Date: March 20, 2008
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☐ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☐ I did not participate in the transaction.

6. ☒ I do not have a personal interest in any transactions taken at this meeting.


Signature

03/20/2008
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nathaniel Brown
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 20, 2008
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☐ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☐ I did not participate in the transaction.

6. ☒ I do not have a personal interest in any transactions taken at this meeting.

Nathaniel Brown
Signature

3/20/08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Carol Clarke
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 20, 2008
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction. _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

☐ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☐ I did not participate in the transaction.

- 6 ☒ I do not have a personal interest in any transactions taken at this meeting.

Carol Clarke
Signature

3/20/08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Marjorie Clark
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 20, 2008
(Date)

5. I have a personal interest in the following transaction:

none
(Agenda Item)

Nature of Personal Interest Affected by Transaction: —

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

—

☒ I am able to participate in this transaction fairly, objectively, and in the public interest

or

☐ I did not participate in the transaction.

6. ☐ I do not have a personal interest in any transactions taken at this meeting

Marjorie M. Clark
Signature

3-20-08
Date